

PATENT

Serial No. 10/564,390

Amendment in Reply to Office Action of April 1, 2008

REMARKS

This Amendment is being filed in response to the Office Action mailed April 1, 2008, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

By means of the present amendment, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice.

By means of the present amendment, claims 1-11 have been amended for non-statutory reasons, such as for better form including beginning the independent claims with 'A', beginning the dependent claims with 'The' instead of 'A', and deleting reference numerals typically used in European practice that are known to not limit the scope of the claims. Such amendments to claims 1-11 were not made in order to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents.

In the Office Action, claims 1-5 and 8-11 are rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent

Application Publication No. 2002/0186633 (Kai). Further, claims 1-6-7 are rejected under 35 U.S.C. §102(e) as allegedly unpatentable over Kai in view of U.S. Patent No. 5,561,656 (Hurst). It is respectfully submitted that claims 1-20 are patentable over Kai and Hurst for at least the following reasons.

Kai is directed to a recording apparatus capable of determining optimal recording conditions by recording data for approximately one rotation, by reproducing the recorded area, by measuring a phase error for each combination of the length of a mark and the length of a space immediately before or after the mark, and by changing an emission waveform rule on the basis of the measured phase error.

As specifically recited in paragraphs [0162], a recording compensation parameter adjustment section 12 determines an optimal emission waveform rule on the basis of the phase error detected by a phase error detection section 11.

In stark contrast, the present invention as recited in independent claim 1, and similarly recited in independent claims 10-11, amongst other patentable elements recites (illustrative emphasis provided):

calculation means for selecting at least one predefined run length pattern and determining a correction signal based on at least one statistically calculated parameter of the signed deviation value signal for the selected run length pattern.

Determining a correction signal based on a statistically calculated parameter of the signed deviation value signal is nowhere disclosed or suggested in Kai. Rather, Kai discloses determining an optimal emission waveform rule on the basis of a detected phase error. Hurst is cited to allegedly show other features and does not remedy the deficiencies in Kai.

Accordingly, it is respectfully requested that independent claims 1 and 10-11 be allowed. In addition, it is respectfully submitted that claims 2-9 and 12-20 should also be allowed at least based on their dependence from independent claims 1 and 10-11 as well as their individually patentable elements. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

For example, claim 9 recites "generating the signed deviation value signal during said writing, ... by temporarily interrupting said writing and during said interruption reading a part of the recorded pattern for generating the read signal." These features

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are nowhere disclosed in Kai and Hurst. Rather, Kai discloses in paragraph [0213] that a phase error adjustment section 18 measures a phase error in a test pattern area for phase error detection recorded during one rotation of the disc for every rotation phase of the optical disc 6. This does not disclose or suggest that to temporarily interrupt the writing, and during the interruption, reading a part of the recorded pattern for generating the read signal, as recited in claim 9.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

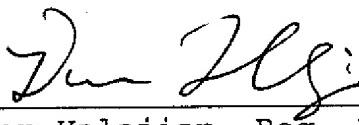
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In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By 
Dicran Halajian, Reg. 39,703
Attorney for Applicant(s)
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THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101